

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Magistrate Docket No. 08 MJ 0177

Plaintiff,

v.

Rudy MALDONADO-Gonzalez,

Defendant

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
COMPLAINT FOR VIOLATION OF:
BY *RW* DEPUTY
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **January 19, 2008** within the Southern District of California, defendant, **Rudy MALDONADO-Gonzalez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

James Trombley
SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF January 2008

Jan M. Adler
Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Rudy MALDONADO-Gonzalez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On January 19, 2008, at approximately 8:00 a.m., dispatch advised field agents via service radio of a seismic sensor activation near the area commonly known as, "Goat's Canyon". This area is approximately four miles west of the San Ysidro, California Port of Entry and 200 yards north of the International Border Fence. While performing linewatch duties, Border Patrol Agent Lino Mescia responded to the area of the intrusion device and with the assistance of the Infrared Scope Operator was able to locate five suspected illegal aliens attempting to further their entrance into the United States. Upon Agent Mescia's approach the five individuals reversed their course of travel and in an attempt to evade apprehension concealed themselves in some thick brush. After a brief search of the area, all five individuals were located. Agent Mescia Identified himself as a United States Border Patrol Agent and conducted an immigration inspection. All the individuals, including one later identified as defendant **Rudy MALDONADO-Gonzalez** admitted to being citizens and nationals of Mexico illegally in the United States and did not possess any documents that would allow them to legally enter or remain in the United States. The individuals were then arrested and transported to the Imperial Beach Border Patrol Station for further processing.

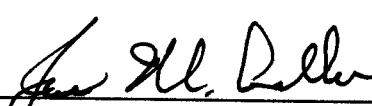
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on November 06, 2007 through Nogales, Arizona. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on January 20, 2008 at 10:00 a.m.

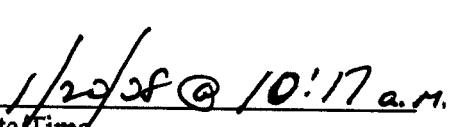


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 19, 2008, in violation of Title 8, United States Code, Section 1326.



Jan M. Adler
United States Magistrate Judge



Date/Time